

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDDIE IVERY,

Plaintiff,

Case No. 09-12035

v.

Honorable John Corbett O'Meara

TURRI'S ITALIAN FOODS, INC.,

Defendant.

_____ /

ORDER OF PARTIAL DISMISSAL

Plaintiff filed a three-count complaint against Defendant, alleging the following causes of action: Count I, violations of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601; Count II, race discrimination in violation of Michigan's Elliott Larsen Civil Rights Act, Mich. Comp. Laws Ann. § 37.2101; and Count III, retaliation in violation of Michigan's Elliott Larsen Civil Rights Act.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, it is hereby **ORDERED** that Counts II and III **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: August 5, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 5, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager